

**Additional Proposed Legislation for the  
May 11, 2010 City Council Meeting -  
Filed in the Office of the City Clerk  
April 23 Through April 29**



# City of Rochester

City Hall Room 307A, 30 Church Street  
Rochester, New York 14614-1290  
www.cityofrochester.gov

FINANCE  
INTRODUCTORY NO.

190, 191



Robert J. Duffy  
Mayor

14

2:33

TO THE COUNCIL

Ladies and Gentlemen:

April 22, 2010

Re: Agreement - IPT LLC (dba PayLock), Vehicle  
Immobilization Services

Transmitted herewith for your approval is legislation related to the implementation of a vehicle immobilization (booting) program. This legislation will:

1. Authorize an agreement with IPT LLC (dba PayLock), New Jersey, for a self-release immobilization (booting) program for vehicles with three or more outstanding parking or red light camera tickets that are 90 or more days old. The firm is considered a sole-source provider.
2. Amend Section 111-77 of the Municipal Code to provide for the immobilization process, establish a \$25 per day fee for boots not returned to the City within 48 hours, increase the immobilization fee to \$85, and to include red light camera tickets to be considered along with parking violations.

The booting program will be used to increase collections on tickets issued to "scofflaw" vehicles while simultaneously providing better customer service. A scofflaw is defined as a vehicle that has three or more unpaid tickets that are 90 or more days old, and if a New York plate, one ticket in judgment. The City currently has \$2.5 million dollars in outstanding tickets, with the most recent ticket no more than three years old, on scofflaw vehicles registered in New York; and another \$500,000 in vehicles registered in other states.

The agreement with PayLock does not require any upfront payment from the City. The term of the agreement will be for five years, with the option of two one-year renewals. PayLock will provide license plate recognition hardware, software, self-releasing mechanical boots, and payment services. For each booted vehicle, PayLock will charge a fee of 17% of the collected fines and the boot fee of \$85. The City currently pays 24% - 30% to outside collection agencies.

Parking Enforcement vehicles will be equipped with license plate recognition cameras, laptop with software provided by PayLock and a database provided by the City, which will allow staff to identify scofflaw (as well as stolen and amber alert) vehicles and confirm the amount of outstanding fines. Once the identified vehicle is booted, a sticker - with the toll-free number of the PayLock call center - is applied to the vehicle.

Payment by credit card or Automated Clearing House (ACH) checks is processed by the call center and the code to release the boot is given to the driver/owner of the vehicle. They then have 48 hours to return the boot to the City; failure to return the boot will result in late fees of \$25 per day up to a maximum of \$500, the replacement cost.

PayLock will calculate the City's payment (full payment of all fees minus the \$85 booting fee and the 17% collection rate), and remit the net amount, weekly, to the City.

This program has several advantages over the City's current practice of towing the majority of scofflaw vehicles. The vehicle identification and confirmation process is more efficient for City staff. And the payment and vehicle retrieval process is much less burdensome for the driver/owner, who currently needs to determine that the vehicle was towed - not stolen - make in-person payment at the Parking office to obtain a release form, and find transportation to the impound yard to present the release before retrieving

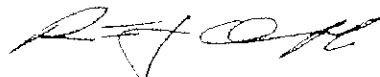


the vehicle. Finally, the booting system is less costly. The average scofflaw amount due is \$400; with the current system, a minimum of \$550 would be owed (\$400 in tickets plus an average \$150 towing fee), not including storage fees. With the booting system, the cost would be \$485.00 - \$400 in tickets plus the \$85 boot fee.

Cities using an immobilization program typically experience a minimum of 10% recovery of outstanding scofflaw amounts within the first year. For Rochester, this would amount to increased revenue of \$300,000. Savings in reduced collection costs would be approximately \$115,000.

Syracuse, NY has successfully used this program since July 2008. In the first six months, 1,159 vehicles were booted with the PayLock system and brought in gross revenue of \$412,267.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. J. Duffy", written in a cursive style.

Robert J. Duffy  
Mayor

Ordinance No.

Authorizing An Agreement For The  
Immobilization Of Motor Vehicles

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with IPT LLC, d/b/a PayLock, for a self-release immobilization program for motor vehicles whereby PayLock shall provide the City with software and hardware to identify vehicles which are parking or red light camera scofflaws as determined by the City. The agreement shall extend for a term of five years, with two one-year options to renew. The immobilization device may be released by the motor vehicle owner or operator upon payment to PayLock of the sum of \$85 and payment of the outstanding notices of violation or notices of liability. The owner or person entitled to possession of such vehicle shall also be responsible for the return the immobilization device to the City, and shall be responsible to PayLock for an additional fee of \$25 per day for each day, or part thereof, after the first 48 hours, for which the immobilization device or mechanism is not returned to the City, up to a maximum of \$500.

Section 2. The agreement shall obligate PayLock to pay to the City of Rochester at least 83% of the collections made on the outstanding notices of violation or notices of liability.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Ordinance No.

Amending The Municipal Code With  
Respect To The Immobilization Of  
Motor Vehicles

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 111-77 of the Municipal Code, Immobilization of vehicles, as amended, is hereby further amended by amending subsections A, C and D to read in their entirety as follows:

A. Any unattended vehicle found parked upon a street or on any city-owned property or property under the jurisdiction or control of the City which is owned by or registered to a person against whom 3 or more notices of violation alleging a failure to comply with any state or local law, ordinance, rule or regulation concerning the parking, stopping or standing of vehicles and/or notices of liability alleging a failure to comply with traffic-control indications under a program established in accordance with Section 1111-b of the New York State Vehicle and Traffic Law, which notices of violation and/or notices of liability have not been satisfied within 90 days of their service or mailing and at least one of which for New York vehicles has resulted in judgment, may be immobilized by or under the direction of a police officer or the Parking Director in such a manner as to prevent its operation. No such vehicle shall be immobilized by means other than by the use of a device or mechanism which will cause no damage to the vehicle unless it is moved while the device or mechanism is in place.

C. The owner or person entitled to possession of such vehicle may secure the release of the vehicle by complying with the rules and regulations of the Parking Violations Bureau concerning all outstanding notices of violation and/or notices of liability described in subsection A against said person and by payment of the sum of \$85 for the removal of the immobilization device or mechanism. The owner or person entitled to possession of such vehicle shall also be responsible for the return the immobilization device or mechanism to the City, and shall be responsible for an additional fee of \$25 per day for each day, or part thereof, after the first 48 hours, for which the immobilization device or mechanism is not returned to the City, up to a maximum of \$500.

D. If the owner or person entitled to possession of such vehicle fails to secure its release within 24 hours after the vehicle is immobilized, the vehicle may be removed and stored in accordance with § 111-72 of this chapter. Such vehicle shall not be released until the owner or person entitled to possession has complied with the rules and regulations of the Parking Violations Bureau concerning all outstanding notices of violation and/or notices of liability described in subsection A against said person and has paid the fees for the removal and return of the immobilization device or mechanism and all removal and storage fees. Immobilization, towing and storage fees may be

challenged in the Parking Violations Bureau in accordance with § 111-72H of the Municipal Code.

Section 4. This ordinance shall take effect on July 1, 2010.



# City of Rochester

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JOBS, PARKS &  
PUBLIC WORKS  
INTRODUCTORY NO.  
192



Robert J. Duffy  
Mayor

16

April 23, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – RGRTA, Vehicle Fueling

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Genesee Regional Transportation Authority (RGRTA) for the continued use of their facility at 1372 East Main Street for refueling of City vehicles. Such an agreement is permitted under NY State General Municipal Law, and was most recently authorized by Council in May 2008. The term of this agreement will be one year, with the option of two additional one-year renewals.

The City is involved in several cooperative refueling programs, including the provision of refueling services to Monroe County, the US Marshal, and the F.B.I.

Under this agreement, RGRTA provides unleaded fuel to City vehicles, primarily police vehicles, operating on the east side of the City to permit the vehicles to avoid the need to travel to the Central Vehicle Maintenance Facility. Usage has averaged 18,000 gallons annually under previous agreements.

Under the proposed agreement, RGRTA will continue to provide refueling services. The City will reimburse RGRTA for the actual cost of the fuel and pay an administrative and service charge of \$.195 per gallon during the potential three year period.

Respectfully submitted,

Robert J. Duffy  
Mayor

2010 APR 26 AM 9:39



Ordinance No.

Authorizing An Agreement With RGRTA  
For The Fueling Of Vehicles

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Genesee Regional Transportation Authority (RGRTA) for the fueling of City vehicles at the RGRTA Facility at 1372 East Main Street. The agreement may extend for a term of one year, with two one-year renewals. The agreement shall obligate the City to reimburse RGRTA for the actual cost of the fuel and pay an administrative and service charge of \$.195 per gallon. Funding shall be provided in the annual City Budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.





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## JOBS, PARKS & PUBLIC WORKS INTRODUCTORY NO.

193, 194, 195



Robert J. Duffy  
Mayor

21

April 22, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: City HVAC Upgrades

Transmitted herewith for your approval is legislation related to HVAC upgrades at various City facilities. This legislation will:

1. Authorize the issuance of \$573,400 in Qualified Energy Conservation Bonds and the appropriation of the proceeds thereof for energy efficiency upgrade projects;
2. Authorize a one-time exception to the debt limit of \$573,400 to allow the City to take advantage of the Energy Conservation bond opportunity afforded through the American Recovery and Reinvestment Act; and
3. Authorize an amendatory agreement with FRA Engineering, P.C., Rochester, for additional design and construction administration services for the second phase of HVAC upgrades at Crossroads Garage. The original agreement, authorized in July 2007 established \$55,000 as maximum compensation; an addition \$10,800 was authorized in April 2008. This amendment will increase compensation by \$55,000 for a total of \$120,800. The additional cost will be funded from the bonds appropriated herein.

As part of the American Reinvestment and Recovery Act (ARRA), states were appropriated tax credit bonds (QECBs) for energy efficiency purposes, including improvements to public buildings that will provide for 20% or greater energy savings annually. A prior appropriation for HVAC replacement at Rundel Library was approved in March 2010.

The remaining appropriations will be utilized for various HVAC mechanical upgrades and control system upgrades at various City facilities as follows:

<u>Project</u>	<u>Cost Estimate</u>
Crossroads Garage HVAC Upgrades Phase II	\$400,000
Edgerton Recreation Center HVAC Improvements	\$130,000
Avenue D Recreation Center Boiler Replacement	\$ 23,400
CVMF Building 200 Heat Recovery Unit Controls	\$ 20,000
TOTAL	\$573,400

These projects were selected based on the criteria of annual energy savings, facility need, and ability to complete the project within the QECB program deadlines.

These projects will be completed by the QECB program deadline of June 2013.

Respectfully submitted,

Robert J. Duffy  
Mayor

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## Ordinance No.

Bond Ordinance Of The City Of Rochester, New York,  
Authorizing The Issuance Of \$573,400 Bonds Of Said  
City To Finance The Cost Of Improvements To The  
Heating, Ventilating And Air Conditioning Equipment  
At City Facilities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of improvements to the heating, ventilating and air conditioning equipment at the City's Genesee Crossroads Garage at 69 Andrews Street, Edgerton Recreation Center at 41 Backus Street, Avenue D Recreation Center at 200 Avenue D, and Central Vehicle Maintenance Facility (CVMF) Building 200 Operations Center at 945 Mt. Read Boulevard in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$573,400, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$573,400 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$573,400 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$573,400. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.13 of the Local Finance Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property

within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

INTRODUCTORY NO. 194

Resolution No.

Resolution Authorizing An Exception To  
The City Debt Limit For The Improvements  
To The Heating, Ventilating And Air  
Conditioning Equipment At City Facilities

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$573,400 is hereby approved as an exception to the 2009-10 Debt Limit of the City in order to fund improvements to the heating, ventilating and air conditioning equipment at the City's Genesee Crossroads Garage at 69 Andrews Street, Edgerton Recreation Center at 41 Backus Street, Avenue D Recreation Center at 200 Avenue D, and Central Vehicle Maintenance Facility (CVMF) Building 200 Operations Center at 945 Mt. Read Boulevard. This exception will allow the City to fund the improvements through low-interest Qualified Energy Conservation Bonds.

Section 2. This resolution shall take effect immediately.

Ordinance No.

Establishing Maximum Compensation  
For An Amendatory Professional Services  
Agreement For The Crossroads Garage  
HVAC System Upgrades Phase II Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and FRA Engineering & Architecture, P.C. for additional design and construction administration services for the Crossroads Garage HVAC System Upgrades Phase II Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.



## City of Rochester

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### PUBLIC SAFETY, YOUTH & RECREATION INTRODUCTORY NO.

196



Robert J. Duffy  
Mayor

27

April 28, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – Children's Success Fund  
Special Events, LLC, LPGA Championship  
City Youth Involvement

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Children's Success Fund Special Events, LLC /dba Wegmans LPGA, Pittsford, to coordinate the participation of city school children in 2010 LPGA Championship events. The cost of the agreement will be funded from the 2009-10 Budget of the Mayor's Office.

The LPGA has a long and successful history with their Rochester tournament held at Locust Hill Country Club. Since 1976, with local sponsorships, the tournament has raised over \$7 million money for local charities focused on children's needs.

This year, the LPGA has selected Rochester as the site of their 2010 Championship Tournament Presented by Wegmans, one of four annual major championships. The designated charity for this year is the Graduation is the Goal Fund, which supports programs that serve the children in our community who are at risk of dropping out of school.

The City's sponsorship will support the participation of 75 fifth graders from Rochester City School District School #5 in tournament events. On May 24, 2010, the event media day, these children will attend a youth golf clinic to be conducted by professional golfer Anna Nordqvist. A description of the activities is attached. The children will also receive tickets for themselves and one adult to attend the tournament which is being held June 24-27, 2010.

Respectfully submitted,

  
Robert J. Duffy  
Mayor

2010 JUN 29 PM 9:18





Media Day/Youth Golf Clinic with Anna Nordqvist  
 Monday, May 24, 2010  
 10:00 AM – 1:30 PM  
 Locust Hill Country Club

### **LPGA Representatives**

Anna Nordqvist, 2009 LPGA Championship Champion

### **Overview**

9:45 AM	Students arrive at Locust Hill Country Club
10:00 AM	Anna Nordqvist, 2009 LPGA Championship Champion meet and greet the students
10:15 AM	Clinic begins
Noon	Picnic lunch
1:00 PM	Students attend the formal press conference
1:30 PM	Students depart

### **Details**

- 75 5<sup>th</sup> graders from School #5 – John Williams
- 25 additional students
- Kids will be divided into 4 groups
- Four stations
  - Driving Range
    - Full Swing
    - Exercise
  - Putting Green Area
    - Putting
    - Chipping
- Groups rotate every 20 minutes
- Lunch will be served in the pool deck area
- Press conference will be held in the Locust Hill Country Club

INTRODUCTORY NO. 196

Ordinance No.

Establishing Maximum Compensation For  
A Professional Services Agreement For  
City Youth Participation In The 2010 LPGA  
Championship Events

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Children's Success Fund Special Events, LLC, d/b/a Wegman's LPGA, to coordinate the participation of City youth in the 2010 LPGA Championship events. Said amount shall be funded from the 2009-10 Budget of the Mayor's Office.

Section 2. This ordinance shall take effect immediately.